

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES R. RANKIN,)	
Plaintiff,)	
)	No. 1:21-cv-119
-v-)	
)	Honorable Paul L. Maloney
BERRIEN COUNTY,)	
Defendant.)	
_____)	

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff James Rankin claims Berrien County, through one of its Veteran Service Officers (VSO), violated his civil rights and filed this lawsuit. Specifically, Rankin contends that the VSO violated § 750.174(a)(1) of the Michigan Compiled Laws. Defendant filed a motion to dismiss. (ECF No. 4.) The Magistrate Judge issued a report recommending the Court grant the motion. (ECF No. 8.) Plaintiff filed objections.

After being served with a report and recommendation (R&R) issued by a magistrate judge, a party has fourteen days to file written objections to the proposed findings and recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). A district court judge reviews de novo the portions of the R&R to which objections have been filed. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). Only those objections that are specific are entitled to a de novo review under the statute. *Mira v. Marshall*, 806 F.2d 636, 637 (6th Cir. 1986) (per curiam).

The Magistrate Judge agrees with Defendant that § 750.174 is a criminal statute that does not create a private right of action. In his objection, Plaintiff acknowledges that the use of Michigan law was likely a mistake, and points to 18 U.S.C. § 1347.

Plaintiff's objection is overruled. Like the state statute, the federal statute is also a criminal statute and does not create a private right of action. *See Janson v. Grp. Health Co-op Inc.*, 530 F. App'x 630, 631 (9th Cir. 2013). This means that individuals like Plaintiff cannot recover money damages through a civil lawsuit by alleging that a defendant violated the criminal statute.

Accordingly, the Court concludes Plaintiff has not alleged facts that would support a claim for relief. The Court **ADOPTS**, as its Opinion, the Report and Recommendation. (ECF No. 8.) The Court **GRANTS** Defendant's motion to dismiss. (ECF No. 4.) The Court agrees with the Magistrate Judge's recommendation that any appeal would be frivolous. **IT IS SO ORDERED.**

Date: June 11, 2021

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge